

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 17-cv-00210-RBJ

LiST INTERACTIVE, LTD. D/B/A UKNIGHT INTERACTIVE,  
LEONARD S. LABRIOLA,  
Plaintiffs,

v.

KNIGHTS OF COLUMBUS,  
Defendant.  
KNIGHTS OF COLUMBUS,  
Counterclaim Plaintiff

v.

LiST INTERACTIVE, LTD. D/B/A UKNIGHT INTERACTIVE,  
LEONARD S. LABRIOLA, WEBSINC.COM, STEPHEN S. MICHLIK, JONATHAN S.  
MICHLIK, AND TERRY A. CLARK,  
Counterclaim Defendants.

---

**AFFIDAVIT OF GARY NOLAN**

---

I, Gary Nolan, being duly sworn, state:

1. I am over 18 years of age, of sound mind, and competent to make this declaration and swear to the matters herein. The statements herein are true and correct and based on my personal knowledge.

2. I have been a member of the Knights of Columbus since 1971 and have worked for the Knights of Columbus since 2003. In my time with the Order, I have served as the Director of Ceremonials, the Vice President for Membership Growth and Ceremonials, the Vice President for Fraternal Training and Ceremonials, and most recently I have become the Vice President for Fraternal Education, Training and Ceremonials.

3. In my present role, one of my most important tasks is to help local Knights of Columbus councils to become more effective in their parish, in their local charitable outreach projects, and in their membership recruitment, retention, and reactivation.

4. Based on my work with the Knights of Columbus and my experience as a Knight, I am familiar with both the Order's membership practices and with the principles that drive these practices.

5. The Knights of Columbus is built around four core principles: Charity, Unity, Fraternity, and Patriotism. The first three play a key role in the Order's membership practices. By virtue of our Fraternity, the Knights of Columbus form a brotherhood that is rooted in our Catholic identity. In a spirit of Unity, we value each member of our Order from every race, nationality, and background. As promoters of Christian Charity, the Order encourages our councils to take the time to find out what is happening with our brothers when they are not heard from. Our membership recruitment, development, and retention fosters this fraternal spirit, rooted in our Catholic faith.

6. When I speak to councils about their membership retention and reactivation efforts, I often draw upon the Parable of the Lost Sheep, Luke 15:3-7, where Jesus speaks of the good shepherd who leaves 99 sheep to seek out the one sheep that is lost. And when he finds it, he carries the lost sheep home and celebrates. Inspired by this parable, the California State Council calls each of its Membership Committee Chairmen a "Worthy Shepherd." If the Order and its councils are to follow Christ's example, we must be willing to be worthy shepherds who work to keep our Brother Knights in the Order. If we reach out to our Brother Knights, we help them to know the Order's voice. In this way these Brothers can continue to truly be part of the right arm of Holy Mother Church, the Knights of Columbus.

7. When my office conducts training for councils, we stress that every Knight, regardless of the circumstances, deserves the dignity and consideration afforded by our Order, faith, Christian charity and belief in the Holy Catholic Church. It is important that every member feel he is a needed, important, involved, and a contributing member of the Order. These sorts of efforts are crucial to retaining members and keeping our Order strong and growing.

8. Our directives clearly guide local councils to keep their members active, engaged, and in good standing. If there are situations where members are not, then the local council is responsible for taking action. In an optimally functioning council, the Council Membership Director and his team should seek to meet with all the council members on a regular basis, with a particular focus on those members who have not attended a meeting in the prior three months. Someone from the Membership Committee should call each member and make an appointment to stop by for coffee or a simple in person visit.

9. It is my experience that if a member is truly engaged in his council, sees where the council is going, understands the mission of the Order, and sees that his council is helping advance this mission, he will generally keep his dues current, even if he is not active in programs. He does so because he believes in the Order's mission.

10. All the same, there are those in the Order who fall behind in their council dues. When Knights fall behind in their dues, despite the council's efforts, we encourage councils to exercise Christian grace and discernment. The Order teaches local councils that there are many tools at their disposal to help ease the burden for fellow Knights with extenuating circumstances.

11. Sometimes members become chronically ill, confined to nursing homes, or have other medical or physical reasons. The Order teaches councils that they have the discretion to request a disability waiver on behalf of such members. Disability waivers exempt that member

for being assessed Council dues and State Council and Supreme Council Per Capita Taxes after the proper paperwork has been submitted and approved. In the alternative, another Brother Knight may volunteer to pay dues for another Brother who is suffering distress or difficulty.

12. Elderly or senior members living on a fixed retirement income may be eligible for Honorary or Honorary Life Membership, depending upon their age and years of continuous service. Those 65 years or older with 25 or more consecutive years of service in the Knights of Columbus are eligible for Honorary Membership, relieving State and Supreme assessments and reducing their council dues to a minimal rate (usually \$10.00 per year). Those 70 years or older with 25 years of consecutive service are relieved of all state and supreme assessments and exempt from payment of all council dues. Supreme automatically issues Honorary and Honorary Life membership cards, but it is important that the Financial Secretary review the entire roster to assure that those eligible have been so recognized with council billing notices adjusted accordingly.

13. Knights also fall behind in dues sometimes due to extraordinary circumstances or financial hardship. This might be because members are in the military and deployed, college students, Catholic School teachers, parish Deacons, or may be unemployed or under-employed. In such circumstances, we encourage local councils to overlook dues for these members in a spirit of charity and brotherly love. Councils can waive dues at their discretion.

14. Regardless of the method or situation, it is important the Retention Committee investigate and report the circumstances of every member in arrears, and recommend a suitable course of action or solution for each one.

15. The Supreme Council Office also highly suggests that each council adopt a policy of forgiving past years' dues where they have not been collected. Councils should merely resolve

to collect the current year for delinquent Brothers and ask them on their honor as a Catholic gentleman to not fall behind again. Overall, we stress that Knights should be Brotherly, follow Christ's example, and forgive!

16. In addition to training councils and encouraging them on best practices regarding member retention, the Order has developed a set of protocols for councils to follow in order to suspend a member for non-payment of dues. These protocols are known as the "Intent to Retain," in the hopes that the local council members will reach out to their Brother Knight and work to engage him in the charitable and fraternal work of the Order.

17. The Supreme Council Office developed the "Intent to Retain" protocols in response to feedback we received from councils and from members and former members. One pattern the Supreme Office found especially problematic was that there were often a high number of membership suspensions from a local council shortly after a new Financial Secretary was appointed. When the Supreme Office examined these situations, we uncovered multiple problems. In many situations, the council had failed to reach out to the member for many years, a man who was supposed to be their Brother Knight! These situations were usually a lost cause. When the member did not respond, often the Financial Secretary just stopped sending Dues Notices. In other cases, the Financial Secretary was not able or did not adequately attempt to keep track of the movements of members. Sad cases occurred when a member did not attend a council meeting, and the council would forget about him, his family, and his life circumstances. Through State level or Supreme level polling, we found in case after case that when we were able to find a member and explain what had happened to his membership in the Order, many were dumbfounded that they had been suspended when they had never even received a dues

notice. Other councils had followed the suspension process correctly but had failed to reach out in a meaningful way to those members in danger of suspension.

18. The current Intent to Retain protocols were developed by the Supreme Office over many years with these failures and the harshness of automatic suspensions in mind, with significant input from Knights of Columbus officers in the field.

19. One of the most noticeable changes in recent years is that, three or four years ago, we changed the title of this process from "Intent to Suspend" to "Intent to Retain." This was done to help councils realize the Order's goal to reach out and engage our members in a spirit of Charity and Fraternity. Our hope is that each council keeps great lines of communication open between member and council. This new name helps remind Knights that the goal of every council is to retain and value every member.

20. Following are actual cases where the Financial Secretary of a local council suspended a member for non-payment of dues without first seeking out the absent member in line with the Intent to Retain process. These cases demonstrate why the Order's Intent to Retain process is so important:

- A member in a nursing home with dementia was suspended by his local council when he should have been given a disability waiver.
- A local council suspended a priest, who is already an Honorary Life Member and who has no assessments, because the local council didn't know where he was.
- A member was suspended for non-payment but later found to be unemployed.
- A member moved to a new area and did not inform the local council, but he wanted to remain a member.

21. The current Intent to Retain process and the ongoing training we do with local councils is focused on doing what we can as the Supreme Office and as a Fraternity of Christian

men to make sure that situations like these do not happen. Every Knight, regardless of the circumstance, deserves the dignity and consideration afforded by our Order, faith, Christian charity and belief in the Holy Catholic Church. It is important that every member feel needed, important, involved and a contributing member of our organization.

22. Even though the Supreme Office develops rules and protocols like the Intent to Retain process, membership in the Knights of Columbus remains a determination made by the local council within the rules of the Order. Local council members determine who joins and who remains a member of that council.

23. It is the responsibility of the local council to inform the Supreme Council Membership Records Department of any changes to their council roster. Only by action of the council can a member be added to, or removed from their roster: admitted or readmitted, suspended, issue a withdrawal, transfer in or out.

I declare under penalty of perjury that the foregoing is true and correct.

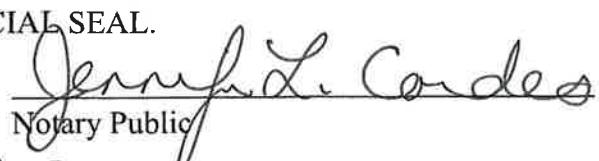


Gary Nolan

STATE OF CONNECTICUT                  )  
    ) ss.  
COUNTY OF NEW HAVEN                 )

Subscribed and sworn to before me on October 10, 2017, by Gary Nolan.

WITNESS MY HAND AND OFFICIAL SEAL.



Jennifer L. Condes  
Notary Public

My Commission expires: Sept 30, 2022